

**DESOTO COUNTY BOARD OF SUPERVISORS**  
**BOARD MEETING MINUTES**  
**MARK GARDNER, PRESIDENT PRESIDING**

**October 7, 2013**

**A. CALL TO ORDER**

The October 7, 2013 meeting of the DeSoto County Board of Supervisors was called to order by Supervisor Mark Gardner, Board President.

Sheriff Bill Rasco of the DeSoto County Sheriff’s Department was present and opened the DeSoto County Board of Supervisors meeting in a regular session to hear all business before the Board of Supervisors. The following officials were present:

Supervisor Jessie Medlin	District 1
Supervisor Mark Gardner	District 2
Supervisor Bill Russell	District 3
Supervisor Lee Caldwell	District 4
Supervisor Harvey Lee	District 5
Sheriff Bill Rasco	Sheriff
W. E. Sluggo Davis	Chancery Clerk
Vanessa Lynchard	County Administrator
Tony Nowak	Board Attorney

**B. INVOCATION**

Newly ordained Pastor Jonathon Gardner presented the Invocation.

**C. PLEDGE OF ALLEGIANCE**

**D. CITIZENS REMARKS & PRESENTATIONS**

**1. Mrs. Gardner’s 4<sup>th</sup> Grade Spotlight Class**

Supervisor Mark Gardner welcomed Mrs. Gardner’s Spotlight class of over 50 children. Supervisor Gardner explained the levels of government to the students and said that decisions that the Board of Supervisors make affects the cities and individuals including the children and their parents.

Mrs. Gardner said they have been talking about everyday heroes and how they impact their own families, home and schools. Mrs. Gardner thanked the Board for allowing them to visit the Board Meeting.

Supervisor Gardner introduced the Board members and others sitting at the table. He said the children would be touring the courthouse later.

Later in the meeting, the children were allowed to asked questions to the Board members and were then dismissed for the courthouse tour.

**2. Mr. J.J. Weifenbach handed out information for the Board to consider**

The information was read by the Board of Supervisors.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to include the handout as described in Exhibit D.2 and as presented by Mr. J.J. Weifenbach.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit D.2

E. APPROVAL OF SEPTEMBER MINUTES

The Board of Supervisors considered the minutes for September as presented.  
The official minutes of the Board of Supervisors were read for the month of September 2013.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to accept the minutes of the Board of Supervisors for September 2013, as presented this date with changes previously submitted, pursuant to Section 19-3-27 of the Mississippi Code of 1972, annotated.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit E

F. APPROVAL OF AGENDA: ADDITIONS AND DELETIONS

Supervisor Mark Gardner asked if there was anyone who wished to add or delete items to the Agenda.

The following requests were made to add to the Agenda:

1. Supervisor Mark Gardner said that the County Administrator requested adding the following:
  - a. Firearms Ordinance
  - b. Jail Bid Approval
  - c. Special Prosecutors
  - d. Burn Ban
  - e. Coroner’s Office - Possible executive session discussion under Personnel.
  - f. DCRUA - Possible executive session discussion under Personnel.
  - g. Facilities Management - Possible executive session discussion under Personnel.
  - h. Add year end Justice Court Report to item G.2
  - i. Remove J.9.d
2. Director of Administrative Services, Pat McLeod, asked to delete I.1.a
3. Environmental Services Manager Ray Laughter asked to add a Code Enforcement issue located at 3770 Byhalia Road.
4. Supervisor Lee Caldwell asked to appoint a new District 4 Planning Commissioner.

5. Board Attorney Tony Nowak requested adding the following:
  - a. Mississippi Spay and Neuter Program at the Animal Shelter agreement.
  - b. Merritt - Possible executive session discussion under Potential Litigation.
6. Supervisor Lee Caldwell said that Nesbit Fire Department is having a grand opening on Oct. 19<sup>th</sup> between 11:00 a.m. and 1:00 p.m. Supervisor Caldwell said she is very proud of the Fire Department and the job they are doing.
7. Supervisor Jessie Medlin said he received a call from Pat Sylvester about 3 months ago regarding rooms at the Maxwell Building.
8. Supervisor Harvey Lee requested adding consideration for an appointment for the Ozone Action Committee.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve the Agenda with the additions and deletions set forth above.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**1. Supervisor Mark Gardner said that the County Administrator requested adding the following:**

**a. Firearms Ordinance**

Board Attorney Tony Nowak said he feels like everything is in place regarding posting the firearms ordinance in County Buildings. However, due to the continued discussions across the State of the recent changes in the law, Mr. Nowak asked the Board to consider requesting an attorney general’s opinion as to the appropriateness of the Board’s recent Board order on the matter.

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to seek an attorney general’s opinion regarding the board order addressing the carrying of firearms in DeSoto County public offices.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**b. Jail Bid Approval**

Board Attorney Tony Nowak noted that the proposed bid specifications make it clear prior experience will be heavily considered in the jail bid. Mr. Nowak said a paragraph in the bid specs had been revised.

Supervisor Jessie Medlin asked if a pre-bid conference would be held. Mike Childress, Architect for the Jail, said they would do pre-bid conferences.

Supervisor Mark Gardner made the motion and Supervisor Harvey Lee seconded the motion to

accept and approve the revised bid specifications and to seek bids for the Jail.

Supervisor Harvey Lee asked why the County did not use Packing Plant Road going into the Jail.

Supervisor Bill Russell said 1) Hernando did not agree with using that road and said they would oppose the Bill in Jackson authorizing the construction of the jail outside the city limits; 2) It was \$1-1.5 million cheaper to use Industrial Drive West; 3) Subdivision residents objected to the use of Packing Plant Road, therefore, Hernando objected to it as well.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Harvey Lee made the motion and Supervisor Bill Russell seconded the motion to authorize Board Attorney Tony Nowak to assist the County Administrator as needed in regards to the negotiations with BankPlus regarding the purchase of 2-3 acres of property, and to authorize appraisals on the property if an agreement can be reached.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit F.1.b**

**c. Special Prosecutors**

County Administrator Vanessa Lynchard said word did not get around to all the Judges regarding Special Prosecutors. Ms. Lynchard then presented several Court orders directing payment for Special Prosecutors.

Supervisor Mark Gardner said to not make the payment to Mark Sorrell because Mr. Joey Treadway said he did not expect to be paid for that day.

Supervisor Jessie Medlin made the motion and Supervisor Bill Russell seconded the motion to approve waiving the requirements adopted by the Board for Special Prosecutors and to pay Mr. Mobley \$100 for his services for Special Prosecutor and to deny paying Mark Sorrell.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell made the motion and Supervisor Mark Gardner seconded the motion to approve paying the fee to Brian Mobley as Special Prosecutor.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>

Supervisor Lee Caldwell, Fourth District YES  
Supervisor Harvey Lee, Fifth District YES

**d. Burn Ban**

Supervisor Bill Russell made the motion and Supervisor Jessie Medlin seconded the motion to approve lifting the Burn Ban in DeSoto County and authorize the Board President to sign the documents.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES  
Supervisor Mark Gardner, Second District YES  
Supervisor Bill Russell, Third District YES  
Supervisor Lee Caldwell, Fourth District YES  
Supervisor Harvey Lee, Fifth District YES

**See Exhibit F.1.d**

**e. Coroner’s Office** - Possible executive session discussion under Personnel.

This item was later determined to qualify for executive session.

**f. DCRUA** - Possible executive session discussion under Personnel.

This item was later determined to qualify for executive session.

**g. Facilities Management** - Possible executive session discussion under Personnel.

This item was later determined to qualify for executive session.

**h. Add year end Justice Court Report to item G.2**

**i. Remove J.9.d**

**2. Director of Administrative Services, Pat McLeod, asked to delete I.1.a**

**3. Environmental Services Manager Ray Laughter asked to add a Code Enforcement issue located at 3770 Byhalia Road.**

Environmental Services Manager Ray Laughter said this property is now in a state of cleanliness. He said they followed the established guidelines and Complete Lawn Care Services has cleaned the property.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to accept that the previous Code Enforcement issue located at 3770 Byhalia Road is now in a state of cleanliness; to approve the costs incurred to clean the property; to assess the costs incurred as a lien against the property and to authorize the Board President to sign the required Board orders assessing the lien and such other necessary documents and to make the order and documents part of the Board’s minutes.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District YES  
Supervisor Mark Gardner, Second District YES  
Supervisor Bill Russell, Third District YES  
Supervisor Lee Caldwell, Fourth District YES  
Supervisor Harvey Lee, Fifth District YES

**See Exhibit F.3**

**4. Supervisor Lee Caldwell asked to appoint a new District 4 Planning Commissioner.**

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve appointing Theodore Dorsey as the District 4 Planning Commissioner.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**5. Board Attorney Tony Nowak requested adding the following:**

**a. Mississippi Spay and Neuter Program at the Animal Shelter agreement.**

Board Attorney Tony Nowak explained that this agreement provides services to the DeSoto County Animal Shelter by the Mississippi Spay and Neuter Program. The County pays for transportation, lodging and meals.

Supervisor Lee Caldwell made the motion and Supervisor Jessie Medlin seconded the motion to approve the agreement with Mississippi State University for the spay and neuter program for the Animal Shelter and to authorize the Board President to sign the documents.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit F.5.a**

**b. Merritt - Possible executive session discussion under Potential Litigation.**

This item was later determined to qualify for executive session.

**6. Supervisor Lee Caldwell said that Nesbit Fire Department is having a grand opening on Oct. 19<sup>th</sup> between 11:00 a.m. and 1:00 p.m. Supervisor Caldwell said she is very proud of the Fire Department and the job they are doing.**

**7. Supervisor Jessie Medlin said he received a call from Pat Sylvester about 3 months ago regarding rooms at the Maxwell Building.**

He said that the building is used to provide meals to Senior Citizens. Supervisor Medlin said he would like for the Facilities Management Director to look at it and see what needs to be done.

**8. Supervisor Harvey Lee requested adding consideration for an appointment for the Ozone Action Committee.**

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve appointing Bill Speck to the Ozone Action Committee.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

G. CONSENT AGENDA

The Board of Supervisors considered the following items on the meeting’s Consent Agenda as follows:

1. Dept. of Human Resources: Monthly Health Claims

The following is a recap of all insurance claims funded for the month of September and paid to Humana:

Funding Request	Date Paid	Amount	Claim Type
Date			
9/1/13	9/3/13	\$80,348.07	Administration Fees
9/3/13	9/3/13	\$60,152.97	Medical
9/3/13	9/3/13	\$8,249.10	Dental
9/3/13	9/3/13	\$9,101.75	Pharmacy
9/9/13	9/9/13	\$29,925.75	Medical
9/9/13	9/9/13	\$1,226.50	Dental
9/9/13	9/9/13	\$18,635.23	Pharmacy
9/16/13	9/16/13	\$33,835.41	Medical
9/16/13	9/16/13	\$4,205.80	Dental
9/16/13	9/16/13	\$17,567.98	Pharmacy
9/23/13	9/24/13	\$28,554.54	Medical
9/23/13	9/24/13	\$4,370.35	Dental
9/23/13	9/24/13	\$14,656.66	Pharmacy
9/30/13	9/30/13	\$57,103.07	Medical
9/30/13	9/30/13	\$6,421.20	Dental
9/30/13	9/30/13	\$8,306.88	Pharmacy
	TOTAL	\$382,661.26	

2. Justice Court Report

Monthly Report	
Criminal Cases Filed	140
Civil Cases Filed	719
Traffic Tickets Filed	1,372
Total Cases Filed	2,231
State Assessments	\$ 96,012.00
County General Fund	\$135,141.66
Total Collections	\$231,153.66

County Administrator Vanessa Lynchard said that Justice Court Clerk Shirley Beshears has done a great job at Justice Court and collections have been substantial and consistent. Ms. Lynchard said Ms. Beshears would be greatly missed.

Ms. Beshears presented the Fiscal Year End Report for 2011-2012 for the Consent Agenda as follows:

DESOTO COUNTY JUSTICE COURT  
2012-2013 FISCAL YEAR END REPORT

<u>MONTH</u>	<u>COLLECTED</u>	<u>COUNTY MONEY</u>
October 2012	\$244,895.90	\$131,630.75
November 2012	\$201,841.42	\$118,294.92
December 2012	\$186,341.30	\$110,955.80
January 2013	\$126,869.15	\$ 78,394.65
February 2013	\$247,107.82	\$139,913.63
March 2013	\$276,005.47	\$153,484.00
April 2013	\$244,835.90	\$127,239.65
May 2013	\$203,349.79	\$117,719.79

June 2013	\$218,284.44	\$129,699.61
July 2013	\$209,695.49	\$123,967.80
August 2013	\$243,843.68	\$136,050.68
September 2013	\$231,153.66	\$135,141.66
TOTALS:	\$2,634,224.02	\$1,502,492.94

Criminal Cases Filed:	18,151
Civil Cases Filed:	7,156
Total Cases Filed:	25,307

Outstanding Fines 2012-2013: \$56,029.75

96% Collection Rate

3. Bailiff Pay

Liz Medlin	\$340.00
Chris Plumlee	\$340.00
Brandon Hylander	\$450.00
Bobby Holloway	\$380.00
Lee Caldwell Hodge	\$555.00

4. Publication of Board Proceedings

5. Office of Finance & Accounting

a. Quarterly Budget Allocations for Quarter Ending December 31, 2013

October 7, 2013

**QUARTERLY BUDGET ALLOCATIONS**  
For Quarter Ending December 31, 2013

**TAX ASSESSOR:**

Department 103.....\$330,962.75

**TAX COLLECTOR:**

Department 104.....\$331,229.75

**SHERIFF:**

Department 200 (Sheriff Administration).....\$	263,323.00	
Department 201 (Aviation).....\$	70,082.25	Department 202
(Patrol/Law Enforcement).....\$	2,706,449.25	
Department 216 (Highway Safety Grant).....\$	45,168.50	
Department 217 (Occupant Protection Grant) ..\$	6,000.00	
Department 220 (Custody of Prisoners).....\$	1,138,735.25	
Department 222 (Prisoners’ Medical Expense) \$	348,925.00	
Department 223 (Juvenile Detention).....\$	272,326.75	
TOTAL.....	<u>\$4,851,010.00</u>	

b. Recap of Final Amended Budget and Sept. 30, 2013 Listing of County Fixed Assets –  
Accept and make Part of the Board Minutes



CLASS	BEGINNING BALANCE October 1, 2012	ADDITIONS	DELETIONS	ENDING BALANCE September 30, 2013	ACTUAL CHANGE
MOBILE EQUIPMENT	17,752,880.00	2,707,416.88	1,588,092.12	18,872,204.76	1,119,324.76
FURNITURE AND EQUIPMENT	10,171,227.85	2,437,725.62	146,904.56	12,462,048.91	2,290,821.06
LAND	3,567,270.22			3,567,270.22	0.00
BUILDINGS	43,533,983.48	15,576,194.06		59,110,177.54	15,576,194.06
IMPROVEMENTS OTHER THAN BUILDINGS	774,292.08	32,643.89		806,935.97	32,643.89
CONSTRUCTION IN PROGRESS	18,490,462.31	2,063,363.42	14,305,306.91	6,248,518.82	(12,241,943.49)
INFRASTRUCTURE	147,431,584.42	983,201.00		148,414,785.42	983,201.00

DeSoto County, Mississippi								
Recap of Final Amended Budget								
2012-2013 Fiscal Year								
			Budgeted				Budgeted	
		Budgeted	Beginning			Budgeted	Ending	
Fund #	Fund Name	Revenues	Cash	Total		Expenditures	Cash	Total
001	General County	45,176,787	14,529,263	59,706,050		44,193,928	15,512,122	59,706,050
002	Special Levy Reappraisal	1,450,000	4,000,000	5,450,000		2,595,495	2,854,505	5,450,000
024	Circuit Court Reporters	346,450	300,000	646,450		420,700	225,750	646,450
025	Circuit Court Administrator	71,346	225,000	296,346		148,495	147,851	296,346
026	Adult Drug Court	285,000	750,000	1,035,000		484,209	550,791	1,035,000
027	Chancery Court Reporters	200,300	80,000	280,300		225,000	55,300	280,300
028	Chancery Court Administrators	51,700	85,000	136,700		86,500	50,200	136,700
032	Juvenile Drug Court	1,050	22,000	23,050			23,050	23,050
033	Sheriff Canteen Fund	30,000	125,000	155,000		80,000	75,000	155,000
034	Sheriff Equitable Sharing Fund	30,000	120,000	150,000		25,000	125,000	150,000
044	EMA Grants Fund	628,745	33,000	661,745		636,866	24,879	661,745
051	Brentwood Originals		8,000	8,000		7,500	500	8,000
097	E-911 Fund	1,651,485	100,000	1,751,485		1,751,485		1,751,485
099	District Parks Funds		32,649	32,649		32,649		32,649
101	Recreational District Fund	371,399		371,399		358,750	12,649	371,399
103	Reimbursement for City Prisoners	850,000		850,000		850,000		850,000
104	Law Library	46,000	5,000	51,000		51,000		51,000
105	Solid Waste	1,768,248	1,800,000	3,568,248		2,195,047	1,373,201	3,568,248
106	Volunteer Fire	865,802	125,000	990,802		824,232	166,570	990,802
107	JAG Grant	1,290	18,895	20,185		20,185		20,185
108	Motor Vehicle Registration	75,050	20,000	95,050		95,050		95,050
109	2012 JABG Grant		95,275	95,275		95,275		95,275
111	Postage	175,100	10,000	185,100		175,000	10,100	185,100
113	State Emergency Management Oper	22,954	14,000	36,954		36,954		36,954
114	Delta Trauma Care	13,133	40,000	53,133		30,867	22,266	53,133
120	SID-Forfeitures	75,000	150,000	225,000		165,800	59,200	225,000
123	SID-Seized Funds		35,238	35,238		35,238		35,238
156	County-Wide Road Maintenance	7,084,391	6,800,000	13,884,391		10,524,423	3,359,968	13,884,391
160	Bridge and Culvert	6,835,000	16,000,000	22,835,000		20,975,970	1,859,030	22,835,000
163	Juvenile Court House Arrest	2,300		2,300		2,300		2,300
166	Stormwater Advisory Board	4,000	3,500	7,500		7,500		7,500
170	State Aid Road Funds	250,000		250,000		250,000		250,000
211	\$3.5 M Courthouse Renovation I&S		29,000	29,000			29,000	29,000
212	Administration Building I&S	75	51,000	51,075			51,075	51,075
214	1999 Refunding Bonds I&S	20	11,000	11,020			11,020	11,020
215	\$18,000,000 Bonds I & S	200	130,000	130,200			130,200	130,200
216	2007 Refunding Bonds	750,500	125,000	875,500		718,540	156,960	875,500
220	2002 Refunding Bonds I & S	20	8,000	8,020		5,000	3,020	8,020
221	2003 Refunding Bonds I & S	500	440,000	440,500		5,000	435,500	440,500
222	2004 22M Bonds I & S	827,500	900,000	1,727,500		1,102,000	625,500	1,727,500
223	2005 \$6.96M Bonds I & S	751,500	450,000	1,201,500		830,300	371,200	1,201,500
224	2009 Refunding Bonds	1,102,500	550,000	1,652,500		1,369,000	283,500	1,652,500
225	2009 16 Million Bonds I & S	1,351,200	300,000	1,651,200		1,378,000	273,200	1,651,200
226	2009 Refunding Bonds-MDB I & S	550,750	80,000	630,750		473,600	157,150	630,750
227	2010 Refunding Bonds I & S	864,500		864,500		822,000	42,500	864,500
228	2010 5 Million Bonds I&S	550,250	400,000	950,250		402,750	547,500	950,250
229	2012 G.O. Refunding Bonds I&S	615,500		615,500		597,350	18,150	615,500
290	Walls Sewer I & S	40,300		40,300		40,300		40,300
303	New Telephone System		446,653	446,653		446,653		446,653
305	County Building Energy Project	335,552		335,552		331,704	3,848	335,552
309	I-69 Corridor Study-MPO Funds	235,241	300,000	535,241		217,995	317,246	535,241
313	Vol. Fire Dept. Building Renovations	5,495	600,000	605,495		605,495		605,495
315	2014 Facilities Projects	14,538,987		14,538,987		14,538,987		14,538,987
370	Jail Construction Project	8,000	5,000,000	5,008,000		4,047,662	960,338	5,008,000
380	\$22,000,000 Bonds Construction	418,809	1,200,000	1,618,809		1,612,809	6,000	1,618,809
501	Self-Funded Insurance	4,483,000	2,100,000	6,583,000		6,396,727	186,273	6,583,000
	Totals	95,792,929	58,647,473	154,440,402		123,323,290	31,117,112	154,440,402

c. Inventory Control: Sheriff’s Dept.: Declaration of Forfeitures (2)

AGENCY	CASE #		DATE DECLARED	MFGR	YEAR	DESCRIPTION	SERIAL #	VALUE
SID	2012-50335	GARY HIGGINS	09/11/13	FORD	2007	TAURUS (SILVER)	1FAFP53UX7A184407	4200.00

AGENCY	CASE #		DATE DECLARED	MFGR	YEAR	DESCRIPTION	SERIAL #	VALUE
SID	2012-29931	ROBERT SHEGOG	08/31/12	LORCIN		HANDGUN	148897	50.00

6. Sheriff’s Dept.: Accept Reimbursement Claim from MDOC for Inmate Housing (2) July & August 2013

7. Establish as Part of the Formal Record and Enter into the Board’s Minutes

- a. SouthGroup Insurance: Actuarial Value Test and Verification for Medical Insurance
- b. FY-2014 Bridge Inspection approval Projects BR-MBIS(079)B, BRIS-17(79)
- c. Interlocal Agreement with the Horn Lake Creek Watershed Drainage District Regarding the Hallum Estates Subdivision
- d. Mississippi State Department of Health Jail Inspection
- e. State Tax Commission: Tax Assessor Recapitulation of Assessment of Real and Personal Property Assessment Rolls
- f. Approval of Interlocal Agreement for Drainage Construction Project at Cowpen Creek between the City of Horn Lake and Horn Lake Creek Watershed Drainage District
- g. Ratify Agreement of DeSoto County, Mississippi and the City of Southaven, Mississippi for Improving a Section of Swinnea Road and make part of the minutes

**8. Road Department**

- a. Road Report
- b. Work Schedule
- c. School Bus Turnarounds (2)

Location	Bus #	Owner	Phone
1055 Starlanding Rd. Nesbit	434	Laura Bryant	662-429-4291
2388 Starlanding Rd. Nesbit	432	Bobbie Harrison	901-268-6335

- d. Request to Attend 2013 County Government Workshop, October 14 – 16, Vicksburg, MS
- e. Proposed Additions to the Hot Mix Asphalt Overlay

**7. Office of Procurement**

- a. Request to Accept & Approve Bid Specifications and Solicit Bids
  - 1) Food Supplies Bid for the Jail
  - 2) Purchase of One or More Rubber Track Skid Steer 10,000-11,000 lbs.
  - 3) Purchase of One or More Single Axle Dump Truck
  - 4) Purchase of One or More Tractor
  - 5) Purchase of One or More Rubber Tire Backhoe with Buy Back
  - 6) Janitorial Services for Certain County Buildings

**11. Appointment CVB – Resignation**

**12. Chancery Clerk Allowances (2) – \$1,900.00**

Supervisor Bill Russell made the motion and Harvey Lee seconded the motion to approve the actions set forth in Consent Agenda.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>

Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit H

I. OLD BUSINESS

1. Greenbrook/Water Tower Park – Approval of Verizon Entry Agreement

Board Attorney Tony Nowak said the Board authorized him to prepare an entry agreement between DeSoto County with Verizon Wireless and the City of Southaven; to allow Verizon to conduct a feasibility study regarding the co-locate of a cellular antennae on co-locate an existing structure on the land owned by Southaven but located on County property known as Greenbrook/Water Tower Park.

Supervisor Bill Russell made the motion and Supervisor Lee Caldwell seconded the motion to approve the agreement between DeSoto County with Verizon Wireless and the City of Southaven; to allow Verizon to conduct a feasibility study regarding the co-locate of a cellular antennae on an existing structure owned by Southaven, but located on County property known as Greenbrook/Water Tower Park.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I

I. NEW BUSINESS

1. Tax Collector

a. Approval of Contract with Graphite Payments for Online Payments

This item was removed from the Agenda.

b. Insolvency List

Tax Collector Joey Treadway said the first meeting in October of every year a report of insolvent and delinquent taxes for the 2012-2013 fiscal year is presented to the Board of Supervisors.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded the motion to accept the 2012-2013 Insolvency Report pursuant to Section 27-49-1 of the Mississippi Code Annotated and to make part of the minutes as follows:

OCTOBER 1, 2013  
2012-2013 INSOLVENCY REPORT

A REPORT OF INSOLVENT AND DELINQUENT TAXES FOR THE 2012-2013 FISCAL YEAR IS PRESENTED BELOW PURSUANT TO SECTION 27-49-1 OF THE MISSISSIPPI CODE ANNOTATED.

PERSONAL PROPERTY TAXES		
NET TAXES BILLED		28,565,337.68
TAXES DELINQUENT:		602,372.93
COUNTY	197,122.30	
CITY	161,336.23	
SCHOOL	243,914.40	

<b>TOTAL UNCOLLECTED</b>		<b>602,372.93</b>
<b>TOTAL DELINQUENT PERSONAL TAX 2.11%</b>		
<b>PUBLIC UTILITIES</b>		
<b>TOTAL AMOUNT BILLED</b>	<b>4,492,201.52</b>	
<b>TOTAL COLLECTED</b>	<b>4,492,201.52</b>	
<b>TOTAL UNCOLLECTED</b>		<b>.00</b>
<b>TOTAL DELINQUENT PUBLIC UTILITY 0%</b>		

<b>MOBILE HOMES</b>		
<b>NET BILLED</b>	<b>114,227.51</b>	
<b>TAXES DELINQUENT:</b>	<b>36,670.66</b>	
<b>COUNTY TAX</b>	<b>14,606.66</b>	
<b>CITY TAX</b>	<b>4,879.67</b>	
<b>SCHOOL</b>	<b>17,184.33</b>	
<b>TOTAL DELINQUENT</b>		<b>36,670.66</b>

**TOTAL DELINQUENT MOBILE HOME TAXES 32.11%**

<b>TOTAL REALTY BILLED:</b>	<b>125,363,834.80</b>	
<b>TOTAL SOLD TO STATE</b>	<b>601,966.64</b>	
<b>TOTAL BANKRUPTCIES</b>	<b>72,857.66</b>	
<b>DRAINAGE/SPECIAL ASSESSMENTS UNPAID</b>	<b>2,745.50</b>	
<b>TOTAL REALTY UNPAID</b>		<b>677,569.80</b>

**TOTAL DELINQUENT REALTY ADV TAX 0.55%**

**Presented this 7th day of October, 2013**

**JOEY TREADWAY, TAX COLLECTOR**

**ELIZABETH F. RILEY, BOOKKEEPER**

<b>ENCLOSURES: I.</b>	<b>LISTING OF DELINQUENT PERSONAL PROPERTY TAX</b>
<b>II.</b>	<b>LISTING OF DELINQUENT MOBILE HOME PROPERTY TAX</b>
<b>III.</b>	<b>LISTING OF PARCELS SOLD TO STATE</b>
<b>IV.</b>	<b>BANKRUPTCY LISTING</b>
<b>V.</b>	<b>UNPAID DRAINAGE AND SPECIAL ASSESSMENT LISTING</b>

**2. Parks and Greenways: Proposed Parks Improvements FY 2013-14**

Parks and Greenways Coordinator Larry Jarrett presented a proposal for park improvements for FY 2013-2014. Mr. Jarrett clarified that Parks and Greenways did not receive \$2.5 million for a bike lane for Robinson Gin Road. He said no one has communicated or discussed that with him.

Mr. Jarrett discussed the following parks summary of proposed improvements for FY 2013-14:

**DeSoto County Parks and Greenways - Summary of Proposed Improvements**

<b>Park</b>	<b>Total Cost</b>
Eudora Community Park	\$15,570
Fairview Community Park	\$15,750
Hernando DeSoto Park	\$6,300
Parks Security	
Nesbit Community Park	\$3,500.00

Total Cost \$41,120

**Hernando DeSoto River Park**

<b>Task</b>	<b>Total Cost</b>
2- Picnic Tables	\$3,000.00
1 Bench	\$600.00
2 Grills	\$400.00
Labor	\$1,100.00

Trash receptacles	\$1,200.00
Total	\$6,300.00

Fairview Community Park

<b>Task</b>	<b>Total Cost</b>
Playground	\$12,000.00
Labor	\$3,750.00

Supervisor Harvey Lee thanked Mr. Jarrett for the hard work he has done on parks and greenways in the County.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to approve the proposed DeSoto County Parks and Greenways Improvements for 2013-2014 as presented.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.2

**b. Greenways and Parks Security**

Mr. Jarrett said they have been looking at various types of security cameras for some of the parks.

IT Director John Mitchell discussed certain types of cameras, costs associated with the purchases including technology and means of monitoring the cameras. Some of the parks have existing power but Hernando DeSoto will have to be solar, which is much more expensive. Mr. Mitchell discussed different approaches to help lessen the cost. Mr. Mitchell said a camera with a microchip would be cheaper.

Mr. Jarrett said that cameras tend to make people feel more secure. It is a huge investment for the County. The camera could be moved around.

Supervisor Bill Russell suggested using cameras and recording. He said he did not envision having someone watching the monitors. Supervisor Russell said he prefers starting with the cheaper cameras at first. Mr. Mitchell said he did not know the cost but could get that for the Board. He said we will need a data plan unless it will manually be rechecked. He said there is a possibility that the Sheriff’s Dispatch Office could monitor the cameras.

Mr. Jarrett discussed various types of cameras with the Board.

Supervisor Mark Gardner said there is still a problem with power in a couple of parks.

Supervisor Medlin said the Sheriff’s Department could be contacted immediately.

Supervisor Mark Gardner requested Mr. Jarrett and Mr. Mitchell explore the options further and come back to the Board with a recommendation.

**c. Engineering and Professional Fees**

Board Attorney Tony Nowak said the general services agreement for Parks and Greenways is expiring.

Supervisor Jessie Medlin made the motion and Supervisor Harvey Lee seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a general services agreement for engineering and professional fees for Parks and Greenways.  
The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

3. Office of Finance and Accounting

a. Inventory Control: Preliminary Dispositions

1) Road Department

Inventory Clerk Char McCool presented the following preliminary dispositions for the Board of Supervisors considerations.

Supervisor Lee Caldwell made the motion and Supervisor Bill Russell seconded the motion to approve preliminary dispositions for the Road Department as presented by the Inventory Clerk as follows:

ASSET #	DESCRIPTION	SERIAL #	ISSUE/REASON FOR DISPOSAL	Y R  A C Q	C O S T	LOCATION AT PRELIMINARY
16113	6" BENCH GRINDER	N/A	NON REPAIRABLE DUE TO COST (AGE)	76	1H	CENTRAL MAINTENANCE
36084	SHINDIAWA WEEDEATER	3107435	NOT WORKING - NON REPAIRABLE DUE TO COST	09	2H	CENTRAL MAINTENANCE
36085	SHINDIAWA WEEDEATER	6113233	NOT WORKING - NON REPAIRABLE DUE TO COST	09	2H	CENTRAL MAINTENANCE

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.3.a.1

2) Sheriff’s Dept. – SID

3) Sheriff’s Dept.

Supervisor Jessie Medlin made the motion and Supervisor Lee Caldwell seconded to approve the following preliminary dispositions for Sheriff’s Dept.-SID Unit as detailed in Exhibit I.3.a.2&3

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.3.a.2 & 3

b. Claims Docket

Supervisor Jessie Medlin asked about the following claims:

Page 4 - William Bryant. Mr. Arnold explained how the salary is allocated and said he would also check into how the insurance is paid. He said he did not think the insurance was with the county.

Page 31 – Mark Sorrell for Legal Fees. County Administrator Vanessa Lynchard said the fees were on the docket the same day as the Board voted not to pay the fee to Mr. Sorrell. Supervisor Medlin said he would like that payment held and not paid.

Page 93 – GovDeals – Sheriff’s Dept. Mr. Arnold said the Sheriff’s Department sold something on GovDeals and this amount is for the commission GovDeals charged the county.

Supervisor Mark Gardner asked about the following claims:

Page 5 - Tina Hill for services in the amount of \$4,900. Mr. Arnold said that Ms. Hill serves delinquent notices to mobile homes.

Page 14 - ATMOS – Mr. Arnold said this is recurring but no bill at this time. It should be on the next claims docket.

Page 27 – Impact Missions has shut down the emergency shelter so there is no longer a need for the expenditure.

Supervisor Bill Russell asked if there is a 30 day notice required in the contract. The Board did not receive a notice. Board Attorney Tony Nowak said the contract does require notice to terminate. However, Impact Missions stopped providing the service contrary to the terms of the agreement. Ms. Lynchard said she checked and the children can be placed within 5 days.

Page 74 – Supervisor Gardner confirmed that the total reflected the increase to Impact Missions. Mr. Arnold said this is the monthly allocation.

Page 93 – Smith, Phillips, Mitchell, Scott and Nowak Law Firm for Sheriff’s forfeitures. This is for legal fees for forfeitures for inmates. The inmate either goes to court or agrees to sign off on the forfeiture. Mr. Nowak said this went to court.

Page 101 – Harris, Madden and Powell, Inc. - Mr. Arnold said this is workers compensation.

In accordance with Section 19-13-31 and Section 19-11-23 of the Mississippi Code Annotated, Supervisor Mark Gardner made the motion and Supervisor Lee Caldwell seconded the motion to authorize the Chancery Clerk to pay the bills as presented by the Chief Financial Officer with the exception of Impact Missions in the amount of \$21,250 on page 27 and the payment to Mark Sorrell for \$400 on page 31.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**4. Department of Road Management**

**a. Monthly Road Report: Bar E Ranchettes Bond**

Road Manager Andy Swims and Mike Kennedy of the Road Department appeared before the Board to discuss pulling of the Road Bond Report that is usually presented on the Consent Agenda. Mr. Kennedy said he spoke with the executor of the estate and they cannot produce the cash to pave the subdivision; the bond will have to be pulled. Chancery Clerk Sluggo Davis said the bond is due October 17<sup>th</sup>.



Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to pull the Road Bond for Bar E Ranchettes and to approve the Road Bond Report once the bond is pulled on October 17, 2013 for Bar E Ranchettes Subdivision.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.4.a

**b. Parking Area for Nesbit Fire Department**

Road Manager Andy Swims presented an estimate of \$8,600 from the General Fund to create an 86 x 64 square feet parking area for the Nesbit Fire Department. Mr. Swims said this building is also used as a community center, voting precinct and an emergency shelter. The only entrance will be on the west side.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve the estimate in the amount of \$8,600 to construct an 86 x 64 square foot parking area for the Nesbit Fire Department.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.4.b

**c. Cost Estimate for Soccer Field**

Road Manager Andy Swims presented an estimate for clearing, earthwork and construction for the soccer field road off of Robertson Road. Mr. Swims said the work consists of constructing the road from Robertson to a tributary of Hurricane Creek. He said the cost is estimated at \$166,447.87. If the City of Hernando provides the CR610 material it will reduce the cost by \$17,190.25.

Supervisor Bill Russell asked Mr. Swims if he had the final figures on Hallum Estates. Mr. Swims said the figures will probably be available by the next meeting.

Supervisor Russell asked if the cost is being split with the City of Hernando. Mr. Swims said basically, yes. The cost of the entire project is being split as the County will construct the road on one side of the ditch and the City would construct the road on the other side. The total is approximately \$300,000 - \$350,000. Mayor of Hernando Chip Johnson said that Joe Frank Lauderdale thinks there is probably another \$175,000 to \$200,000 that the city would spend on the other side of the ditch and installing a box culvert.

Supervisor Jessie Medlin asked who the property owners were and if they could help with the project. Mayor Johnson said the landowner is Allen Sims and he is donating the necessary right of way and is ready to sign.

Supervisor Lee Caldwell asked if this will come from the Road Department budget. Mr. Swims said yes; it is coming from the Road Fund.

Mayor Johnson said this is the project that the Hernando Board voted to seek help from the

County.

Supervisor Caldwell said soccer is not a year round sport and asked if other teams would be able to practice on the soccer field. Mayor Johnson said the south lagoon could be used for practice; probably not the north lagoon.

Supervisor Harvey Lee made the motion and Supervisor Mark Gardner seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to work with counsel for the city of Hernando to draft an MOU with the City of Hernando for work on the soccer field road off Robertson Road consisting of constructing the road from Robertson Road to a tributary of Hurricane Creek at an estimated County cost of \$166,447.87.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>NO</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Medlin said his dissenting vote is based on the fact that this is the first time he has seen the figures for the project.

**See Exhibit I.4.c**

**d. Request to Replace Damaged Culvert at 4585 Fogg Road**

Mr. Swims said a culvert was hit by county equipment while cutting grass. He said it is rare that they have that problem and we have discussed the issue within the department and stressed that the employees be more careful.

After a finding of fact by the Board of Supervisors that the damage to a culvert at 4585 Fogg Road was caused by county equipment, Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve replacing the pipe that was damaged by county equipment.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit I.4.d**

**5. Board Attorney**

**a. Affiliation Agreement with University of Mississippi extending term of prior agreement**

Mr. Nowak said an agreement has been in place and allows the Sheriff’s Department to work with students who shadow the officers’ work; it is set to expire the end of this year and the University and Sheriff wish to extend the agreement. Sheriff Rasco noted there is no expense to the county.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve the letter of agreement regarding the extension of the affiliation agreement with the University of Mississippi, extending the term of the prior agreement to allow the students to shadow the work performed by the officers at the Sheriff’s Department and the Board President to sign the agreement.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit I.5.a**

**b. Local and Private Legislation to Support Cockrum Civic Center, Inc.**

Mr. Nowak said the Board instructed him to draft a resolution for a one time donation of \$20,000 for the purpose of renovating the Cockrum Civic Center, Inc.

The Board of Supervisors discussed the amount of the donation and length of time of the donation and agreed to postpone voting until the information is provided to the Board.

Supervisor Harvey Lee made the motion and Supervisor Jessie Medlin seconded the motion to table this item and to get additional information and clarification on the amount.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**See Exhibit I.5.b**

**c. Legislation to Allow Use of Roadway Department Equipment by Other Departments**

Mr. Nowak presented legislation that was discussed on the County Wish List when the Legislators appeared at the Board of Supervisor’s meeting recently. The draft legislation addresses the authority of Road Department equipment to be used by other departments, and the transfer of surplus road equipment to other county.

Mr. Nowak said 1) The Road Department equipment could be used by other departments such as the Parks Department and not be reimbursed; 2) The equipment could be declared surplus and then used by other departments with approval to transfer.

Mr. Swims expressed concern about if affecting the budget because it would allow use of the equipment with no reimbursement to the Road Department. He said a good example is use of lawn equipment.

Supervisor Bill Russell asked if this would allow use of the equipment on a case by case basis. Mr. Nowak said yes. The Board discussed various situations regarding use of the equipment without reimbursing the department.

Supervisor Jessie Medlin said he would like to see if a department wants to get rid of a vehicle could another department purchase that vehicle. Supervisor Russell said he agreed. He suggested removing use of from the legislation and state transfer of equipment.

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve removing the use of equipment and state transfer of equipment only, and for Mr. Nowak to prepare a revised draft bill.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>

Supervisor Harvey Lee, Fifth District YES

See Exhibit I.5.c

6. IT Department – Agreement with C Spire Fiber

IT Director John Mitchell said he has been in discussions with C Spire about issues with broadband service in the County. Mr. Mitchell presented an agreement with Telepak and said it is now C Spire. Mr. Mitchell described E connections which connects remote offices to the county. He said we have had internet problems in the past and are not guaranteed an enterprise level of service.

Mr. Mitchell said we are changing the following: 1) Various services to C Spire; 2) Internet services to C Spire; 3) PR1 phone services. He said we will receive a considerable higher level of services which will be faster and cheaper. Mr. Mitchell said they want us to commit to five years to pay for fiber installation and pay for five years of service.

Supervisor Russell asked if they are putting in new fiber for all of this. Mr. Mitchell said yes, with 1 gig circuits.

Supervisor Lee Caldwell asked if it would help to get the service into homes since it is in the county offices. Mr. Mitchell said he hopes so.

Supervisor Caldwell asked if this includes Eudora. Mr. Mitchell said it does not include Eudora but cost increase would be substantial. He said he would really like to bring on Eudora and Lewisburg because of the Fire Department, the Schools and EMS but it would cost about \$2,000. Mr. Mitchell said he pushed because of the cell tower and as time goes by, they can come online.

Supervisor Medlin asked what the county is now paying. Mr. Mitchell said we currently pay \$490 - \$800 and that is for a variety of services. He said he does not like going any longer on an agreement than he has too, but to get this rate it is customary to go five years. Mr. Mitchell said his budget pays \$300 per month for DSL.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee Caldwell seconded the motion to approve the telecommunications service agreement with C Spire previously Telepak Networks, to allow the IT Director to continue working with C Spire and to authorize the Board President to sign the documents presented.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Medlin asked if the total of 10 sites included Lewisburg and Eudora. Mr. Mitchell said it would be eight sites at \$3,800. He said it was his understanding that the libraries could be added at a later time.

See Exhibit I.6

7. Broadband Update

Supervisor Lee Caldwell said there is a “race” that concerns getting fiber optic cable to homes. “The Race” is state-wide and for DeSoto it involves each of the cities and other entities. Supervisor Caldwell said you can logon to the C Spire web site and click on “The Race”. She said they are asking people to fill out the survey and sign up on that web site for 1 gig to their home. She said they are all working together as one initiative.

Supervisor Caldwell said the public can also logon to C Spire and click on Fiber Home and fill out that survey as well. There is a packet you can hand out as well. A local teenager, Jimmy

Wilson, is an Eagle Scout who does not have internet at home. So he is going door to door to get the word out and it will also help with earning his badge.

Supervisor Mark Gardner said it is being positioned as a competition. He said that C Spire has spent several million dollars on internet fiber services, and they are planning to spend several million more. Supervisor Gardner said since there is unified effort between DeSoto County and cities we think they should look at us first. There is no cost to get this here. Supervisor Gardner said they are working with the cities to issue a press release. He said go to C Spire.com/getfiberfirst and register for this service. They have not yet released the price points.

Supervisor Caldwell said there is an option to bundle TV and cell phone service. Supervisor Jessie Medlin asked if they are laying cable now. Supervisor Gardner said they are connecting to schools now. Supervisor Caldwell said it already goes to the 42 campuses.

Supervisor Lee Caldwell asked IT Director John Mitchell to contract C Spire about this issue.

Supervisor Bill Russell commended Supervisor Caldwell on her hard work and suggested getting the word out through TV, sports, newspapers and other sources. He said signing up is very important in the process.

Supervisor Medlin encouraged asking C Spire to take good safety measures. He saw a wreck on Craft Road. He said in certain areas they have gone on the shoulder of the road and caused some problems and are not taking safety precautions.

Environmental Services Manager Ray Laughter said C Spire also has a problem with leaving brush on the side of the road.

Sheriff Bill Rasco said he knows of cases where they caused problems as well.

Supervisor Harvey Lee said a couple of people called him and said they came on their property and they saw problems the next day.

Supervisor Medlin said they should be contacting the Road Department. Road Manager Andy Swims agreed.

Supervisor Lee Caldwell said she would get with Mr. Swims to address the issues.

Supervisor Russell thanked Supervisor Caldwell for the hard work that has brought us where we are today. He said he realizes that registration on the web site is more important than perceived. Supervisor Russell said we need to get with the cities and also maybe do a TV ad and seek the cooperation of the newspapers.

Supervisor Gardner said the deadline for the cities and counties is October 20<sup>th</sup>. He said an announcement will be made in the next Board Meeting on November 4<sup>th</sup> which area they will go to.

Supervisor Lee Caldwell made the motion and Supervisor Harvey Lee seconded the motion to approve a resolution and have the cities join in on bringing fiber optic cable to DeSoto County.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

Supervisor Bill Russell suggested emailing all employees urging them to fill out the survey in support of this effort.

**8. Environmental Services: Household Hazardous Waste Day**

Environmental Services Manager Ray Laughter said there is full participation from all municipalities for the Household Hazardous Waste Day held Saturday, October 12 from 8:00 a.m. – 2:00 p.m. at the Landers Center.

Mr. Laughter said there is a new gas can exchange in addition to tire disposal. The local media is giving great coverage. He said Tish Clark with Channel 24 is promoting the event. Several radio stations have offered commercials and all of the Board members have agreed to work in 2 hour shifts. He said last year they had over 250 cars and with good weather, they are hoping for more.

Mr. Laughter thanked the County Administrator for her hard work. Mr. Laughter said Ms. Lynchard is very organized and has done an excellent job. She is a huge part of the development of this event.

Mr. Laughter said he appreciated the Board allowing them to spend money that will be reimbursed.

Mr. Laughter said the gas cans are limited so it is first come, first serve. He said we cannot provide shredding this year but hope to next year. He said Earth Day will provide shredding.

County Administrator Vanessa Lynchard said Ray has done a great job. She said he took the lead and made it a good event. She confirmed they have spent some money but it would be reimbursed.

Ms. Lynchard thanked everyone involved and the Supervisors who will be volunteering 2 hours each for that day. She said that Ray helped get the local municipalities on board and Wednesday will appear on Channel 24.

Ms. Lynchard said this is where you will honestly see the best DeSoto County citizens. It is a very positive experience.

**9. County Administrator**

**a. Building Permit and Inspection Committee**

County Administrator Vanessa Lynchard said she has been working with Ted Garrod and Randy William of the Planning Department and IT Director John Mitchell since the first of the year.

Ms. Lynchard said they have been looking at building inspections and the permitting process. They have never been updated. She said there are a lot of things that affect each other and there is some work to be done to improve and update the process as well as updating the software.

Supervisor Jessie Medlin made the motion and Supervisor Mark Gardner seconded the motion to approve appointing a committee to look at building permits and to appoint Supervisor Bill Russell and Supervisor Harvey Lee to the committee.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**b. DeSoto County Convention and Visitors Bureau**

Supervisor Mark Gardner made the motion and Supervisor Bill Russell seconded the motion to approve appointing Reverend Warren Richardson to the DeSoto County Convention and Visitors Bureau to fill a vacancy in one of the at large positions, which is filled with an appointee who is a member of the Economic Development Council.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

**c. Impact Mission**

This was discussed under item number I.3.b.

**d. Household Hazardous Waste Day**

This item was discussed under Item number I.8.

**10. Fairhaven Fire Department**

Supervisor Lee Caldwell said the Fire and EMS Committees met this year to determine the need of all of the Fire Departments in DeSoto County.

Supervisor Caldwell said Fairhaven Fire Department needs to add on to the back of their existing building.

Supervisor Mark Gardner said like any process it takes a long time and he appreciates the committees not trying to do all of them at one time. He said he applauds their efforts.

Supervisor Caldwell said this is a county owned building; they have no ambulance at this time. She said they can provide better service with a bed hall for the volunteers. She said there is always a possibility of being annexed but we have to take care of the building accordingly.

Supervisor Caldwell said they have been very good financial managers. They have paid off all debt except for the pumper which has a balance of \$32,000.

Supervisor Caldwell said they are proposing \$250,062.22 for the addition. She reminded the Board that Supervisor Jessie Medlin put back park money to Fairhaven in the amount of \$60,000; the County allocates \$50,000 which gives them a total of \$110,000. Supervisor Caldwell said they are seeking to borrow the remaining \$140,000 to be paid back to the County over a 10 year period with no interest. They could pay back \$12,000 - \$15,000 per year, depending on the rebate.

Supervisor Bill Russell asked if the \$50,000 is budgeted. County Administrator Vanessa Lynchard said it is not budgeted so the County portion would be \$190,000. The money would come out of ending cash. Supervisor Medlin said equipment could be used as collateral.

Supervisor Caldwell said they would like to start construction next spring.

Ms. Lynchard said the County needs an agreement in order to be protected if there is an annexation.

Board Attorney Tony Nowak said the County would still own the building in the event of annexation.

Supervisor Russell suggested get more precise costs and include work the County can contribute.

Supervisor Caldwell said they have 29 active personnel at the Fire Department.

Supervisor Jessie made the motion and Supervisor Lee Caldwell seconded the motion to hire the Smith, Phillips, Mitchell, Scott and Nowak Law Firm to draft a contract with the Fairhaven Fire Department in regards to an addition and to authorize Andy Swims to look at the property for any issues.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

See Exhibit I.10

11. MAS Appointment

Supervisor Bill Russell made the motion and Supervisor Harvey Lee seconded the motion to approve Supervisor Mark Gardner to serve on the Local Governments Records Committee.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

J. PLANNING COMMISSION AGENDA

DeSoto County Board of Supervisors  
Planning Agenda  
October 7, 2013  
11:00 a.m.

I. New Business

- a. Mother In Law Order Variance: The Planning Department will present a request to allow the Board of Adjustment to hear and decide Variances to the standing Order regarding accessory dwellings (Mother In Law wings).

Mr. Ted Garrod presented a request to allow the Board of Adjustment to hear and approve Variances to the Board Order regarding accessory dwellings (Mother In Law wings). He stated there is no provision to the Order to allow a Variance and planning commission staff is requesting the Board of Supervisors allow the Board of Adjustment to grant a Variance to the Order. He then stated requirements concerning accessory dwellings should be added to the Zoning Ordinance and the Board may want to consider amending the Zoning Ordinance in the future to include these requirements.

Supervisor Medlin stated the Board of Supervisors adopted the Order concerning Mother In Law wings due to people attaching the wings and trying to install two separate meters which indicates they will be renting the addition. He went on to state if the Board of Supervisors makes exceptions to this Order it could lead to a second meter being installed and the Mother In Law wing being used as a rental property. Mr. Garrod stated it will be tough for the County to police accessory dwellings being used as rental property, but that a requirement to have unified utility services would help with the rental issue.

Supervisor Russell stated he assumed the hardship rule would apply to the use of accessory dwellings and would require such dwellings to be used by a family member. He went on to ask if that is not the case could a hardship rule be added to define who may live in an accessory dwelling. Mr. Garrod stated he is not sure how the County could police who lives in an accessory dwelling. Supervisor Medlin stated the County could police rental property by not allowing a second dwelling on the property. Supervisor Lee stated the County should state that an accessory dwelling can only be located so many feet from the primary dwelling and only has one utility meter for both dwellings and that anything else is against the Zoning Ordinance. Supervisor



Russell stated placing the hardship rule on approval of an accessory dwelling could also help with policing the use of the accessory dwelling as a rental property. Supervisor Medlin stated he also thought that kitchens were not allowed in Mother In Law wings. Supervisor Medlin went on to state that limiting the distance between the primary structure and the Mother In Law wing would discourage the use of the wing as a rental property. Mr. Garrod stated that if it is codified in the Zoning Code that both dwellings are required to have combined utility services and limit the distance between the primary and accessory dwelling structures, it would help with concerns of the accessory dwelling being a rental property. Mr. Garrod then suggested any deviation from the Ordinance could be sent to the Board of Adjustment for individual approval. Supervisor Russell suggested the changing of the Order into a Zoning Ordinance seems complicated enough that it needs to be studied by the committee that will be studying the Ordinances for updating. Supervisor Medlin asked how far the particular Mother In Law wing in question, submitted to the planning commission by Shana and Jeremy South, is from the primary dwelling. Mr. Garrod stated he is not sure but that the topography of the lot is playing a role in the need for the accessory dwelling to be further from the primary dwelling than is typical. Supervisor Medlin suggested the applicant could attach it to the primary home if there is a need for it. Mr. Garrod stated he feels the requirements for an accessory dwelling should be codified in the Zoning Ordinance rather than being a Board Order.

Supervisor Russell asked if Mr. Tony Nowak was on the committee reviewing the building permitting process. Ms. Vanessa Lynchard, County Administrator, stated he was not involved with the committee meetings at this time but would be included in the meetings later down the road.

Supervisor Russell asked if the Board of Supervisors had the authority to grant a Variance for the case presented. Mr. Garrod stated that Planning staff is asking the Board of Supervisors to change the Board Order concerning Mother In Law wings to allow the Board of Adjustment to hear a Variance for this case. Supervisor Russell stated he felt the Board of Supervisors should hear the Variance for this case. He then asked could the Board of Supervisors grant a hardship for the Mother In Law only in this particular case. Mr. Garrod asked what would happen when the family member the hardship is granted for passes away. Supervisor Russell stated the accessory dwelling could no longer be used as an accessory dwelling but the garage portion could still be used as a garage.

Mr. Garrod stated staff could prepare an Order granting the Variance to the Board Order, for the Mother In Law, Darlene Clement’s use only, and present it to the Board for consideration on a later date.

**K. EXECUTIVE SESSION**

The executive session portion of these minutes is recorded under the portion of the minutes called “Executive Session”.

Supervisor Jessie Medlin made the motion to recess the Board meeting until October 7, 2013 at 9:00 a.m. The motion was seconded by Supervisor Harvey Lee Caldwell.

The motion passed by a vote as follows:

Supervisor Jessie Medlin, First District	<u>YES</u>
Supervisor Mark Gardner, Second District	<u>YES</u>
Supervisor Bill Russell, Third District	<u>YES</u>
Supervisor Lee Caldwell, Fourth District	<u>YES</u>
Supervisor Harvey Lee, Fifth District	<u>YES</u>

THIS the 7th day of October, 2013, these minutes have been read and approved by the DeSoto County Board of Supervisors.

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Mark Gardner, President  
DeSoto County Board of Supervisors